

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 27, 2006 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No.06050 Expansion of Nonstandard Use

PROPOSAL: A request for a special permit to expand a nonconforming use to increase the area where the sale of alcoholic beverages for consumption on the premises is allowed by 750 s.f. for Coyote Willy's Bar.

LOCATION: 2137 Cornhusker Hwy.

LAND AREA: 1.05 acres, more or less

EXISTING ZONING: I-1, Industrial and H-3, Highway Commercial

CONCLUSION: The non-conforming condition is caused by the lack of required parking stalls. The establishment has operated as a bar since 1987. The proposed site plan identifies no reduction in the existing number of parking stalls. The impact of the proposed expansion on the surrounding area is not significant.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, E.J.C.'s Subdivision

EXISTING LAND USE: Commercial/Retail and warehouse

SURROUNDING LAND USE AND ZONING:

North:	H-3, Highway Commercial	Commercial/Retail
South:	I-1, Industrial	Salvage yard
East:	H-3, Highway Commercial	Car sales and Salt Creek
	I-1, Industrial	Salt Creek
West:	H-3, Highway Commercial	Commercial/Retail
	I-1 Industrial	Warehouse

HISTORY:

This premise has been a bar/lounge since 1987.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan of the 2025 Comprehensive Plan identifies this area as commercial and industrial. (F-25)

ANALYSIS:

1. This premise has been a lounge/bar since 1987. This request is to expand the premise by 750 s.f. for a beer garden. The beer garden is surrounded by a 6' high opaque fence and is located on the south side of the building. The surrounding area is industrial and commercial.
2. This premise is treated as a non-conforming use because it does not meet the parking requirements of the special permit for sale of alcohol. The required number of parking stalls for the bar is 148, one space per 100 s.f of total floor area. The site plan shows 78 stalls for the bar. Parking is not required for the beer garden. The applicant has submitted a revised site plan that shows no decrease in the number of existing parking stalls.
3. The applicant's letter states that the premise has had a liquor permit for 26 years and exists under Pre-existing Use Permit #10. There has never been a use permit or special permit issued for this premise. Research of Building & Safety records indicates that this premise has been a bar since 1987. Prior to 1987 it was tool sales.
4. As an advisory note, the Health Department recommends that if smoking is allowed in the outdoor patio area, that at least 20% of the area of the total square footage of the walls and ceiling be open to ensure adequate ventilation.
5. Coyote Willy's Bar can continue to operate regardless of whether this application is approved or not. Additionally, denial of this request does not prohibit the construction and use of the outdoor seating area for smoking or dining, but only prohibits the sale or consumption of alcoholic beverages. The applicant states that this request is to relocate the patrons from the front entrance to the beer garden where people can smoke and be served alcohol.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. This approval permits the expansion of the area designated for the sale of alcohol for consumption of the premises as shown on the site plan.

General Conditions:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 A revised site plan including **5** copies showing the following revisions:
 - 2.1.1.1 Change the title of the Parking Lot Matrix to “Existing Parking Stall Count.” Delete “stalls required” from the matrix.
 - 2.1.2 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.3 The construction plans comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before the sale of alcohol for consumption of the premises, all development and construction is to comply with the approved plans.
 - 3.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant

Prepared by

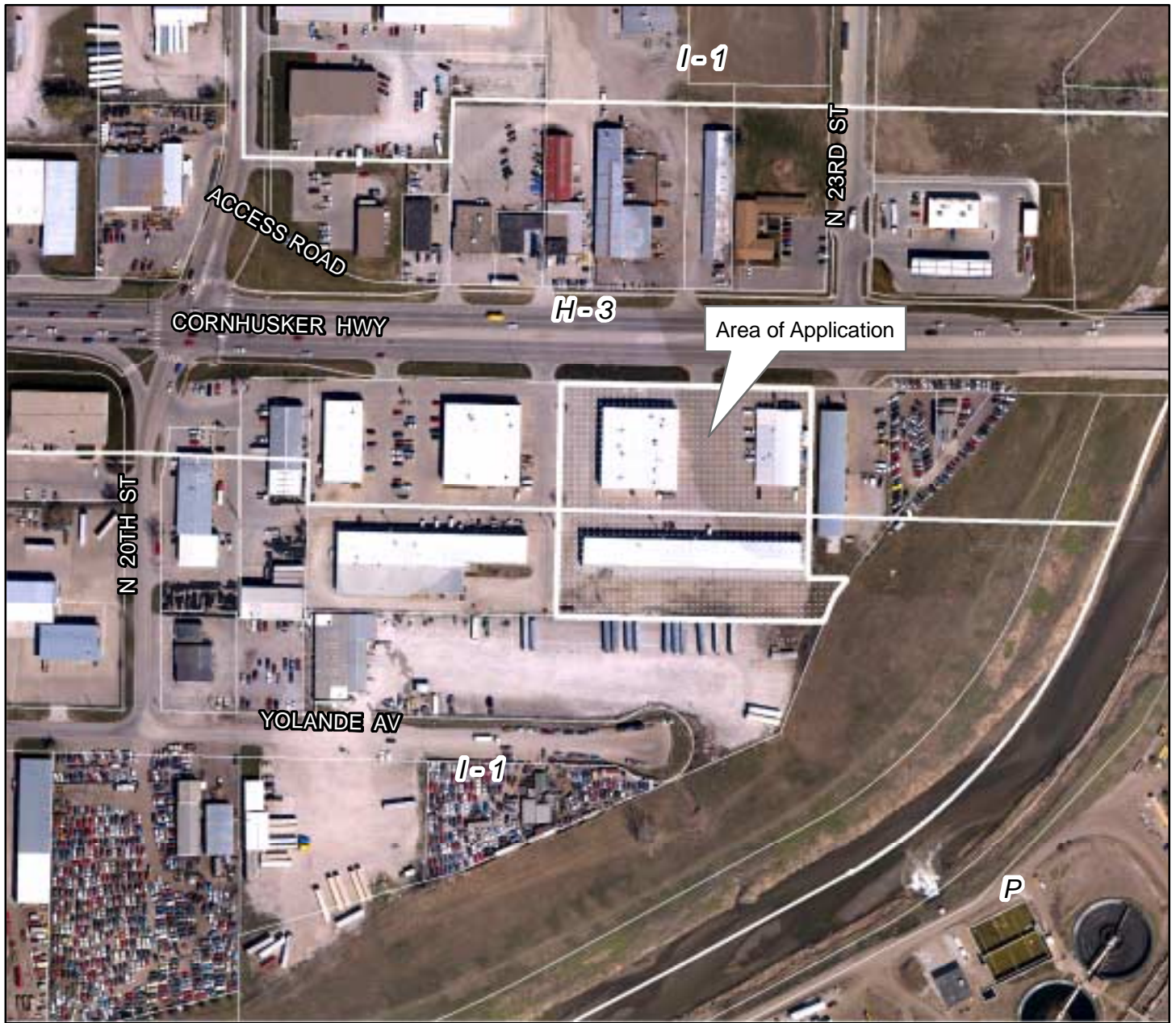
Tom Cajka
Project Manager

DATE: September 14, 2006

APPLICANT: Lead Dog Entertainment
6100 S. 58th St. Suite "E"
Lincoln, NE 68516
(402) 486-3454

OWNER: EJC Corp.
800 Oak St.
Lincoln, NE 68521

CONTACT: Civil Design Group
3901 Normal Blvd. Suite 203
Lincoln, NE 68506
(402) 434-8494



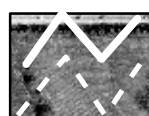
2005 aerial

Special Permit # 06050 **N. 20th St. & Cornhusker Hwy.**

Zoning:

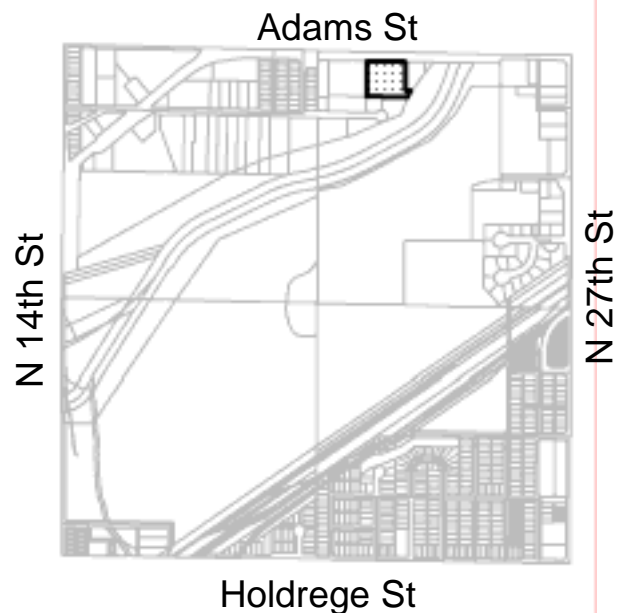
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 13 T10N R06E



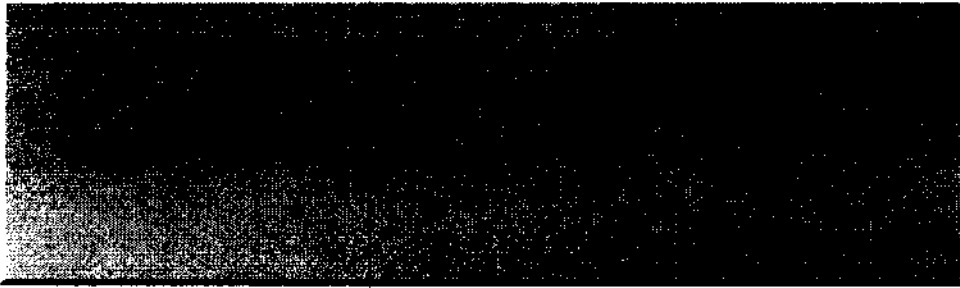
Zoning Jurisdiction Lines

City Limit Jurisdiction



Three empty rounded rectangular boxes for answers.





Status of Review: Denied

08/22/2006 3:25:27 PM

Reviewed By Building & Safety

Terry Kathe

Comments: Do they need an amendment to the PRE-SP?

They are non-standard to parking.....bars are figured at 1stall per 100 sq ft.

if this area is not covered then beer garden would not require additional parking.

The removal of parking stalls would not be allowed.

Status of Review: **Approved**

08/30/2006 2:33:23 PM

Reviewed By **Health Department**

ANY

Comments: **LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka DATE: August 30, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Coyote Willy's
EH Administration Expansion of
Non-conforming use
SP #06050

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

For approved smoking areas, the LLCHD requires the applicant to provide at least 20% net open space to the outside air relative to the total square footage of all four walls and ceiling to ensure adequate ventilation for the protection of public health. This space must be permanent and non-closable. The use of any building material in this open space must be subtracted from the available open space.

The applicant must also provide detailed floor plan and elevations of the smoking area clearly depicting the provided open space with accompanying calculations to confirm the percentage of provided net open space. The LLCHD will review these plans at the time of building permit application.

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

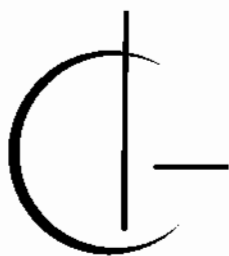
Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

TOM CAJKA

Comments:



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

August 17, 2006

Mr. Marvin Krout
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Coyote Willy's- Special Permit to Expand a Non-Conforming Use
2137 Cornhusker Highway
CDG Project No. 2006-0050

Dear Marvin:

On behalf of Lead Dog Entertainment, we submit the above mentioned project for your review and approval. With this application for a Special Permit we are requesting to add a beer garden by removing 5 parking stalls. Currently patrons are using the front entrance to go outside to smoke. We would like to move the smokers to the Beer Garden to have a more controlled environment.

Currently this property is zoned I-1 and H-3. This site has had a liquor permit for 26 years and the bar exists under Pre-Existing Use Permit #10. The adjacent uses peak hours are opposite of the bar so parking is typically not an issue.

In conjunction with this submittal we submit the following information:

- Site Plan - 16 copies
- Special Permit Application
- Special Permit Filing Fee - \$740.00
- Certificate of Ownership

I hope that this letter in conjunction with the plans provide you with enough information to review. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

Encl

cc: Lead Dog Entertainment,

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